

REMARKS

Following the amendment above, claims 1, 2-10, 12-20 and 22-26 are presently in the case.

The present Action lists claims 1-22. It is pointed out that the application as originally filed included 26 claims, and that Applicants' prior Amendment and the present Response list claims 23 through 26. Claims 23-26 are dependent upon claim 19.

Accordingly, it is requested that claims 23-26 be included as pending in the case and examined. For purposes of this Response, it is presumed that the omission of claims 23-26 was unintentional, and that the claims are allowable over the grounds of rejection at least for the reasons set forth with regard to the independent claim 19.

Claims 1, 10 and 19 have been amended to more particularly point out that the buffered transitory audio information is provided at a faster rate than new transitory information is being received, features originally recited in claims 2, 11 and 20, now cancelled.

Also, in response to an objection, claim 1 is amended to correct a misspelling. In view of the correction, it is respectfully requested that the objection be withdrawn.

Applicants request that the finality of the present Office Action be withdrawn and that the amendments be entered. The Office Action presents a new reference and new grounds for rejection, and Applicants only seek a fair opportunity to respond to these. Further, the amendments merely incorporate features of the dependent claims that have already been examined, and do not add new matter. In the event that the finality of the action is upheld, it is requested that the amendments be entered nevertheless, if only for

purposes of correcting a misspelling and clarifying issues for appeal.

Claim Rejection based upon Loewenthal et al. and De Bonet et al.

Claims 1, 3-10, 12-19 and 21-22 were rejected under 35 U.S.C. § 103 as unpatentable over European Patent Application EP 1037419 by Loewenthal et al., in view of United States Patent No. 6,600,898, issued to De Bonet et al. in 2003.

Applicants have included claims 23-26 in their response, since these are dependent upon claim 19.

Loewenthal et al. describes a system that allows a first program to be interrupted to play a second program. At the conclusion of the second program, the system returns to the first program at the point of interruption. When the program is resumed, the program is played at normal rate, and Loewenthal does not contemplate changing the playing speed. In contrast, Applicants' invention relates to a typical radio broadcast of a program wherein the program is intended to be presented concurrent with the broadcast. When an interrupt signal is received, the information for the audio broadcast is stored in a buffer and subsequently presented when the message for the interrupt signal concludes. One feature of Applicants' invention is that, when play is resumed, the buffered information is presented at a rate that is faster than the normal rate, see page 6, lines 10-17. In view of the real time nature of such radio broadcasts, this means that the buffered audio information is presented at a faster rate than the rate at which new audio information is received. In this manner, the amount of buffered information is depleted, the delay is

eliminated, and the system returns to real time play. Loewenthal does not contemplate speeding up the first program when resumed to return to concurrent broadcast and presentation.

The rejection points to a discussion of compression at paragraphs 0026 and 0027 in Loewenthal. Compression involves techniques that reduce the time or memory required to transmit or store information. See the present application, page 6, lines 19-20. However, when played, the compressed data is expanded to provide the information at the normal rate. Thus, even if compressed for transmission, the program in Loewenthal, presents expanded information, which is at a slower rate than the transmission. In Applicants' system, the information is presented at a faster rate than the transmission. It is pointed out that Applicants draw comparison between the rate for providing buffered transitory audio information and the rate for receiving new transitory audio information to distinguish compression that might occur in the buffering process. Whether compressed or not, nothing in Loewenthal suggests playback at a rate faster than normal. Thus, Loewenthal does not teach or suggest Applicants' invention.

De Bonet et al. is applied to show use of a buffer file for creating a customized radio program. The system stores and presents elements based upon a personal profile for the user. In particular, the rejection points to File Buffer 93 in Fig. 9, col. 15, lines 27-57. However, the system in Fig. 9 provides an uninterrupted audio stream, see col. 15, lines 34-36. It is pointed out that the system in De Bonet et al. is remote from the user. When the system is playing the program for the user, and is interrupted, for

example, by an emergency message prompted on-board the vehicle, the transmission in De Bonet et al. continues, and the system does not provide for the buffer to store the interrupted portion. Moreover, De Bonet et al. does not contemplate providing the content to the user at a faster than normal rate to synchronize the program with current transmission. Thus, even if combined with Loewenthal, there is nothing in the references to point the practitioner to provide audio information from a buffered memory following an interruption at a rate faster than normal, i.e., faster than new information is transmitted, key features of the present invention.

Claim 1 is directed to Applicants' method that includes buffering transitory audio information when a message is provided in response to an interrupt signal. Claim 1 as amended – or claim 2 as previously presented – calls for providing the buffered transitory audio information upon conclusion of the message at a faster rate than new transitory audio information. This allows the user to return to real-time transmission without loss of content. Loewenthal describes a system that resumes play, but without changing the rate at which the program is presented. Even if compressed, the presentation is slower than the transmission, not faster. In Loewenthal, the program is forever delayed by the time of the interrupt program. De Bonet et al. describes a complex system for customizing a radio program based upon a user profile, but does not providing a faster than normal play following an interruption. Thus, the references, even when combined, do not teach or suggest Applicants' invention in claim 1.

Claims 3-9 are dependent upon claim 1, and so not taught or suggested for the

reasons discussed with regard to that claim.

Claim 10 is directed to Applicants' system that, upon conclusion of a message following an interrupt signal, provides buffered transitory audio information at a rate faster than new transitory audio information is received, as previously recited in claim 11. For the reasons discussed above for claim 1, neither Loewenthal nor De Bonet et al. speed up the playback rate. Thus, the references cannot teach or suggest Applicants' system in claim 10, or in claims 12-18 dependent thereon.

Claim 19 is directed to an audio information system with features similar to claim 10, but recites additional features preferred in the practice of Applicants' invention. As with claim 10, the claim calls for providing buffered transitory audio information at a rate faster than new transitory audio information, a feature previously recited in claim 20. For the reasons above, the references do not teach or suggest Applicants' system in claim 19 or in dependent claims 21-26.

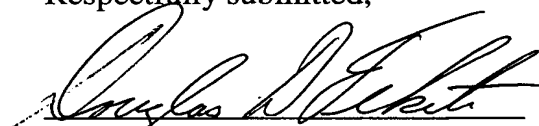
Accordingly, it is respectfully requested that the rejection of amendments be entered and that claims 1, 2-3-10, 12-19, and 21-26 based upon Loewenthal et al. and De Bonet et al. be reconsidered and withdrawn, and that the claims be allowed.

Conclusion

It is believed, in view of the amendments and remarks herein, that all grounds of rejection of the claims have been addressed and overcome, and that all claims are in condition for allowance. If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Douglas D. Fekete", written over a horizontal line.

Douglas D. Fekete

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